

APPROVED: Meeting No. 36-91

ATTEST: *Sharon H. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 33-91

September 16, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on September 16, 1991, at 7:30 p.m.

PRESENT

Councilmember James T. Marrinan (Mayor Pro Tem)

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember David Robbins

ABSENT

Mayor Douglas M. Duncan (Business Travel)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Councilmember Marrinan was designated as Mayor Pro Tem for the meeting of September 16, 1991.

Re: City Manager's Report

1. The commemoration event scheduled for this Friday evening recognizing the 95th birthday of F. Scott Fitzgerald has been cancelled due to lack of a sufficient number of reservations. Other activities such as a creative writing competition in the schools will go forward, and the committee will explore other ways to recognize F. Scott Fitzgerald.

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2. An interim progress report was received today from the consultant conducting the habitat study for the Cabin John Lake. Copies will be distributed to the Maryland Department of the Environment and the Water Resources Administration and will be available to interested parties.

3. This week a mailing will go out to all City households detailing the implementation of Super Service Phase II on October 7. In addition to commingled products, the City will continue its newspaper recycling. Plastic bins will be delivered to households along with the refuse regulations and personalized cards detailing the days of collection for each particular community.

4. The contractor began construction on the Courthouse Square improvements today. The area is closed to through traffic which should enhance pedestrian use and special events.

The addition of tables with umbrellas in the Square has been well received. This is a joint effort of the City and Metro Center management, Carey Winston Company, which has accepted responsibility for maintenance and storage of the umbrellas.

5. With respect to Annexation Petition X-110-91 on this evening's agenda, an amended petition has been filed. The original request to annex 440 acres of the King family property would have created an enclave surrounded by City land, a situation prohibited by state law. The amended petition includes the enclave and also contains technical corrections to the original petition.

Councilmember Coyle noted that the Bikefest held last Saturday at Montgomery College to kick off the new bicycle helmet law was well attended.

Re: Proclamation declaring the week
of September 17 through 23,
1991, as CONSTITUTION WEEK.

Proclamation No.19-91

By a unanimous vote of the Mayor and Council, the week of September 17 through

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23, 1991, was declared "Constitution Week." Councilmember Hovsepien read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Charlotte Chakan, Regent, Colonel Tench Tilghman Chapter of the Daughters of the American Revolution, accepted the Proclamation.

Re: Proclamation declaring
September as **DISABLED AMERICAN
VETERANS FORGET-ME-NOT MONTH.**

Proclamation No. 20-91

By a unanimous vote of the Mayor and Council, the month of September was declared "Disabled American Veterans Forget-Me-Not Month" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Nicholas J. Sirico, Commander, Rockville Memorial Chapter No. 12, Disabled American Veterans, accepted the Proclamation.

Re: Proclamation declaring
September 15 through October
15, 1991, as **ROCKVILLE HISPANIC
HERITAGE MONTH.**

Proclamation No. 21-91

By a unanimous vote of the Mayor and Council, September 15 through October 15, 1991, was declared "Rockville Hispanic Heritage Month." Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council. Representatives of Hispanics United for Rockville accepted the Proclamation.

Re: Citizens' Forum

At this time, the Mayor Pro Tem opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Helen Hillstrom, President of Peerless Rockville, presented the Mayor and Council with a poster of the Red Brick Courthouse by artist Connie Woolard. This poster

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is a token of Peerless Rockville's appreciation to the City for its monetary and spiritual assistance. Ms. Hillstrom reminded everyone of Peerless' auction to be held on Saturday, September 21, in the Grand Courtroom at the Red Brick Courthouse.

2. Howard Thomas, attorney for Dora Malasky, et al. Trust, referenced agenda items 10 and 11 concerning the annexation petition. He indicated that his clients were not aware that their property would be included in the annexation petition; however, they would exert time and effort to determine the benefits to be derived therefrom.

Mayor Pro Tem Marrinan apologized for the oversight, and Mr. Thomas was assured that staff will be available to assist in any way possible.

3. Rex Sturm, attorney for the King family, cited the reasons for inclusion of the Malasky property in the annexation petition, that is, it was discovered that the Malasky property would become an enclave if the King family property were annexed into the City. Although time did not permit Mr. Sturm an opportunity to work out a mutual agreement with Mr. Malasky prior to filing the amended petition, he will be working with the Malaskys and their attorney to reach a satisfactory agreement.

Mr. Sturm concluded by indicating that this partnership is exciting for the City and the King family and that there is a sense of trust and cooperation between the parties.

4. Randy Slovic, 9 Dairyfield Court, expressed appreciation for Mayor Duncan's attendance at the water quality workshop held this past Saturday. Should the King family farm be annexed into the City, she expressed interest in educating residents along Watts Branch if the property is not properly developed.

5. Bert Boline, Optimists Club, referenced the implementation of the bike helmet law and asked the Mayor and Council to work with his club to ensure that all children who need a helmet receive one.

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Councilmember Coyle indicated that a planning group could be organized for this purpose to include service club representatives, county health department staff and city staff. The City Manager advised that the Police Department is already working toward this goal. Councilmember Marrinan emphasized the need for a public education program.

6. Marc Wine, 13208 Glen Road, Gaithersburg, referenced a letter from the Environmental Protection Agency concerning the Cabin John Lake project. The EPA is reviewing the project for compliance with the guidelines and will work with the Corps of Engineers to seek an individual permit review.

7. Ruth Hanessian, 303 Highland Avenue, referenced the fees to be adopted in conjunction with the new animal control regulations. She commented that individuals should be encouraged to participate in the first testing and, if the dogs pass the test, the owners should be given a \$5 reduction on their license fee. This is a positive approach for responsible pet owners.

8. Gino Valenti, Community Ministries of Rockville, referenced the annexation petition on the evening's agenda and the opportunity it presents to initiate an effort for affordable housing at this site.

There being no other citizens wishing to be heard, the Mayor Pro Tem closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Karen Boujoukos was appointed to a one-year term as Chairperson of the Advisory Commission on Public Education.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Frederick Archer, Gayle Byrne and Dorothy Perreca were appointed to three-year terms as members and Phyllis Karsh was appointed to a three-year term as an alternate on the Animal Matters Board.

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Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Greg Conville was reappointed to the Cable Communications Advisory Committee.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Luis Cardenas was appointed to a two-year term on the Economic Development Council as a Chamber Representative.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Stephen Edwards was appointed to a one-year term as Chairperson and Genie McKay was appointed to a one-year term as Vice-Chairperson of the Recreation and Park Advisory Board.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Marrinan abstaining, the minutes of Meeting No. 30-91 (August 5, 1991) were approved, as amended.

Upon motion of Councilmember Coyle, duly seconded, with Councilmembers Marrinan and Robbins abstaining, the minutes of Meeting No. 31-91 (August 6, 1991) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 21-92, for structural repairs to concrete Water Treatment Plant filters to low bidder, Masonry Resurfacing and Construction Company, Inc., for the low bid amount of \$23,567.

The amount budgeted for this purchase is \$25,000.

- B. Award of sole source contract to G. L. Cornell, Inc. for equipment parts and specialty repair for aerators, blowers, mowers, irrigation equipment, sprayers and small tractors for the Parks Division and

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Redgate Golf Course, not to exceed \$35,000 annually.

Funding for this contract will come from existing expenditure accounts within the Department of Recreation and Parks.

- C. Approval of the first option year of the Street Sweeping contract with Browning-Ferris Industries, Inc. (BFI) for \$66,974.14.

Funding in the amount of \$68,250 is budgeted for this service.

- D. Introduction of Ordinance to adopt Text Amendment Application T-118-91, Mayor and Council of Rockville, Applicant.

This text amendment will amend the definition of "variance" and proposes other amendments to: remove the nonconforming status for residential uses in the O-2, Transitional Office, Zone; add a special restriction for retailing of computers in the I-3, Industrial Park, Zone; and correct the tables of uses regarding child care homes and centers.

- E. Introduction of Ordinance to amend Chapter 8, entitled "Elections" of the Rockville City Code so as to clarify the requirement that election day registration must be done in person.

- F. Receipt of July financial reports summarizing the financial results of City operations for the period from July 1, 1991, through July 31, 1991.

- G. Adoption of Resolution No. 16-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, to approve an application to the State of Maryland Main Street Improvement Program.

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An application is to be made for a matching grant in the amount of \$19,000 for directional signs in the Town Center.

- H. Approval of request of Peerless Rockville Historic Preservation Ltd. for special funding.

Peerless Rockville has requested funding in the amount of \$5,000 to inventory and preserve artifacts significant to the history of Rockville.

Re: Introduction of Resolution to enlarge the corporate boundaries of the City of Rockville to include 486.07 acres of land, more or less, of the Field Farms Limited Partnership, Frederick Road Limited Partnership, William I. King, Dora Malasky, et al. Trust, and the State Highway Administration (Annexation Petition X-110-91).

The City Manager provided background information and details of the annexation petition for the Irvington Farm property. The introduction of this resolution to annex 486 acres of land, generally known as the King Farm and property of the Malasky Trust, would be the largest annexation in recent Rockville history and it will have significant, long-term benefits for all residents. Following a presentation on the background of the site, the City Manager outlined the procedures governing annexation, including the fact that the City may not place the area in a zone that permits land uses substantially different than those specified in the County Master Plan without the consent of the County. Essentially, the annexation would transfer some responsibilities for land use planning, development approvals and provision of certain public services such as refuse collection, road maintenance and police protection.

If development is going to occur on the Irvington Farm property, regardless of who has jurisdiction, there are important advantages to Rockville citizens to have

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that development as part of the City. These advantages are:

1. City control over land use.
2. Property tax revenues will accrue to the City. This excess tax revenue goes into the general fund to support residential services citywide.
3. Economic development for Rockville will receive a boost. Irvington Farm will attract high quality users who, in turn, will attract other users to the Rockville area, including possible tenants for the Tower Oaks development and other properties in the I-270 Shady Grove Corridor area.
4. New residential development will enhance Rockville's eligibility for state and federal financial assistance. The amount of residential use anticipated for Irvington Farm, combined with already approved residential development on the former Chestnut Lodge property and elsewhere, is expected to push the City's population above the 50,000 level. This is frequently a level that places cities into the next higher bracket for various shared funding programs.

The Resolution was duly introduced by the Mayor Pro Tem and Council.

Re: Adoption of Resolution to provide for public hearing in connection with the annexation of 486.07 acres of land, more or less, of the Field Farms Limited Partnership, Frederick Road Limited Partnership, William I. King, Dora Malasky, et al. Trust, and the State Highway Administration (Annexation Petition X-110-91).

Resolution No. 17-91

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 17-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to provide for public hearing on the above-referenced annexation petition, which public hearing has been scheduled for December 17, 1991.

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Re: Adoption of Resolution to establish fees pursuant to Chapter 3, entitled "Animals" of the Rockville City Code.

Resolution No. 18-91

Councilmember Coyle referenced the suggestion proffered by Ruth Hanessian earlier during Citizens Forum regarding an amendment to the fee schedule to provide for a rebate for those individuals whose animals take and pass the new test. The City Manager responded that the fees need to be established, and there would be an opportunity for review by the Council subsequent to implementation of the fees.

Upon motion of Councilmember Robbins, duly seconded, with Councilmember Coyle abstaining, Resolution No. 18-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to establish the appropriate fees to be used in conjunction with the new Animal Control Ordinance adopted by the Mayor and Council on June 24, 1991, and effective on September 2, 1991.

Re: Adoption of Resolution to establish administrative and municipal infraction fines for Chapter 3, entitled "Animals" of the Rockville City Code.

Resolution No. 19-91

Questions were raised regarding the municipal infraction fines, the doubling of fines, and distribution of information to residents regarding the fines. The City Manager stated that the fees would be featured in Rockville Reports. The aid of pet shop owners may be enlisted, and there are a number of other resources which may be utilized to distribute information. The City Attorney commented on the three-tier process of the fines.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 19-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to establish the appropriate administrative and

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municipal infraction fines to be used in conjunction with the new Animal Control Ordinance adopted on June 24, 1991, and effective on September 2, 1991.

Re: Adoption of Resolution to establish a fee for accessory apartment certification as provided in Chapter 5, Article XII, entitled "Property Maintenance Code" of the Rockville City Code.

Resolution No. 20-91

The City Manager commented that this resolution would establish fees for implementation of the new accessory apartment legislation. At Councilmember Coyle's request, staff clarified that the \$10 fee for annual certification is required only if the unit is not rented. The purpose of the certification is to ensure that the conditions of the special exception are being met. If the unit is rented, there would be a \$60 biennial fee and a \$25 reinspection fee in the case of violation of the Code.

Councilmember Hovsepien commented that the City needs to initiate a proactive effort to encourage the use of accessory apartments. The City Manager responded that Rockville Reports would be used in this effort.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 20-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to provide an annual certification fee of \$10 to cover the cost of maintaining updated files on the accessory apartments and annual inspections to determine continued compliance with any conditions which are imposed at the granting of a special exception for an accessory apartment.

Re: Adoption of Resolution to establish a fee for accessory apartment rental licenses, as provided in Section 18-113 of Chapter 18, entitled "Rental Facilities and Landlord-Tenant Relations" of the Rockville City Code.

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Resolution No. 21-91

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 21-91, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to establish a biennial fee of \$60 and a reinspection fee of \$25 to cover the cost of license administration and property inspection for accessory apartments.

Re: FYI/Correspondence

Volunteer Appreciation Party

Councilmember Coyle referenced several thank you letters received for the party held on September 7. He expressed appreciation to the City Manager and staff for the excellent job in coordinating the event, noting that the Swim Center was a beautiful setting.

Parking Tickets Issued at Swim Center

Councilmember Marrinan referenced the letter from J. Timothy Mann regarding parking tickets issued during a swim meet at the Swim Center. The City Manager noted that there was a particularly large crowd for this event and many individuals parked illegally. A new strategy has been developed for future large events which will entail use of an event coordinator as well as barricades/directional signage, Police Explorers and staff to direct individuals to the appropriate parking spots.

Pedestrian Study

Councilmember Coyle commented that the Traffic and Transportation Commission had indicated their approval of the pedestrian elevator access to Metro during their recent worksession with the Mayor and Council, and he would like the City to move forward with the design. The City Manager responded that staff would review acceleration of this project in the CIP and bring back as a discussion item at a future meeting.

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Re: New Business

With respect to the letter received from neighbors of the Lone Oak Center, Councilmember Coyle expressed hope that the City would move quickly and take action on the complaints.

Councilmember Coyle referenced the Public Education Lecture series forum to be held on Thursday, September 19, sponsored by the Advisory Commission on Public Education.

Re: Next Meeting

Recognition of the sponsors of the Rockville Rotary Twilight Runfest and the teens who participated in the teen mural project will take place on September 23. There will also be a presentation of the three art proposals for the Potomac Woods Park.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:05 p.m., to convene again in General Session at 7:30 p.m. on September 23, 1991, or at the call of the Mayor.